

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0007-23 **Applicant:** AS & S Property Investments Ltd

Proposal: Details of construction management (Condition 4 of H16-1319-21)

Location: 11 Market Place Spalding

Terminal Date: 2nd March 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
30 Pollution

National Guidance

National Planning Policy Framework 2021

NPPF 2021.

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Details of construction management (Condition 4 of H16-1319-21)

Site Description

As host consent.

History

H16-1319-21. Internal alterations and conversion from Class E to mixed use Class E/Class C (12 residential units). APPROVED 03-08-22.

Consultation Responses

Environmental Protection

No objections.

Highway and Lead Local Flood Authority Report

No objection but stated that additional information would likely be required (these concerns were addressed by additional information submitted after the consultation period).

Planning Considerations

Condition 4 of H16-1319-21

The relevant consultees have raised no objections to the submitted scheme. All works will be minor in nature, and feature a small crew working on the site. Deliveries will be weekly, using vans, minimising the potential for traffic or amenity impacts. The small scale nature means noise, dust and vibration pollution will be minimal.

The submitted details are acceptable and the condition can be discharged.

Conclusion

Condition 4 of H16-1319-21 can be discharged.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.